

REMARKS

[0002] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-11, 13-15, 17-30, 32 and 33 are presently pending. Claims amended herein are 1, 8, 9, 11, 15, 18, 19, 23, 27 and 30. No claims withdrawn or canceled or newly added herein.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for Applicant—on Monday March 16, 2009. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I proposed several possible clarifying amendments. The Examiner was receptive to the proposals in regard to claims 9, 15 and 27. However, the Examiner indicated that he would need to review the cited art more carefully, and requested that the proposed amendments be presented in writing. Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited references of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0006] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0007] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. My contact information may be found on the last page of this response.

Claim Amendments

[0008] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 8, 9, 11, 15, 18, 19, 23, 27 and 30 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0009] Support for the amendments to claims 1, 9, 11, 15 and 27 is found in the specification at least at paragraphs [0021], [0023], [0039], [0042]-[0049], [0055], [0059] and [0061].

Substantive Matters

Claim Rejections under § 102 and § 103

[0010] Claims 1-11, 13-15, 17-30, 32, 33 are rejected under 35 U.S.C. §102 and §103. In light of the amendments presented herein and the decisions reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the application be passed along to issuance.

[0011] The Examiner's rejections are based upon the following references alone or in combination:

- **Gazzetta:** *Gazzetta, et al.*, US Patent Application Publication No. 2004/0083297 (Published April 29, 2004); and
- **Tock:** *Tock, et al.*, US Patent Application Publication No. 2006/0242241 (Published October 26, 2006).

Overview of the Application

[0012] The Application describes a technology for techniques that enable enterprise management of public instant message (IM) communications. When a user requests a connection with a public IM service, the connection request is redirected to a gateway server that is associated with a domain specified in the user's user ID. The gateway server acts as a pass through server between the user's IM client application and the public IM service. The gateway server may be configured to log IM communications in which the user participates. The gateway server may also be configured to control whether or not the user is able to participate in point-to-point communications through the user's IM client application. An enterprise routing server may also be implemented in a geo-distributed enterprise to route a redirected public IM connection request to an enterprise IM gateway server based on a geographic location associated with the user.

Cited References

[0013] The Examiner cites *Gazzetta* as an anticipation-based rejection reference. *Gazzetta* and *Tock* are cited as primary references in the obviousness-based rejections. Additionally, *Gazzetta* and *Tock* are cited as secondary references in the obviousness-based rejections.

Gazzetta

[0014] *Gazzetta* describes a technology for centrally controlling an enterprise wide instant messaging system wherein the disparate nodes of the infrastructure are on separate private networks.

Tock

[0015] *Tock* describes a technology for gaining access to private network resources from a public network using a web browser.

Anticipation Rejections

[0016] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Gazzetta

[0017] The Examiner rejects claim 11 under 35 U.S.C. § 102(e) as being anticipated by Gazzetta. Applicant respectfully submits that claim 11 as amended is not anticipated by Gazzetta. Applicant respectfully requests the Examiner to withdraw the rejection of these claims.

Independent Claim 11

[0018] Applicant submits that Gazzetta does not anticipate this claim because it does not disclose at least the following features as recited in this claim as amended (with emphasis added):

receiving at a first gateway server, an instant message (IM) service connection request from a user, wherein the connection requested is to a publicly-accessible (public) IM service, wherein the first gateway server is implemented behind a first enterprise firewall, wherein the first gateway

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see *MPEP* §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

server is configured to communicate with a second gateway server, wherein the second gateway server is implemented behind a second enterprise firewall which is configured to prevent unauthorized direct access to sensitive enterprise data comprising an enterprise IM data log, policy data and configuration data;

the first gateway server communicating with the second gateway server to verify that the user is authorized to access the first gateway server;

the first gateway server communicating with the second gateway server to verify that the user is authorized to participate in public IM communications;

the first gateway server modifying the public IM service connection request to include data that identifies the first gateway server;

the gateway server forwarding the public IM service connection request to the public IM service.

[0019] The Applicant respectfully submits that the clarifying amendments to claim 11 have not been addressed by the Examiner and that Gazzetta does not disclose each and every feature of amended claim 11. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0020] Applicant disagrees with the Examiner's obviousness rejections. Applicant submits that the references of record are insufficient to meet all the criteria for making a prima facie case of obviousness against the claims presented herein.

Based upon Tock and Gazzetta

[0021] The Examiner rejects claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over Tock and Gazzetta. Applicant respectfully submits the amended claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0022] Applicant submits that the combination of Tock and Gazzetta does not teach or suggest at least the following features as recited in this amended claim (in part, with emphasis added):

the public IM service determining that the user is associated with a particular domain which **requires a monitored connection between the user and the public IM service, wherein an IM gateway server provides the monitored connection**

[0023] The Examiner indicates (Action, p. 7) the following with regard to this claim:

the public service determining that the user is associated with a particular domain ([0051], lines 13-17);

[0024] Paragraph 51, lines 13-17 of Tock are as follows, for convenience:

The network browser **254** and the mail client **256** are client applications that operate or run on client machines. Typically, a user or requester will interact with these one or more client programs to request resources located on the remote servers. The network browser **254** and the mail client **256** couple to an intermediary server **252** over secure links or connections. The intermediary server **252** also couples to the remote servers through either secure or unsecure connections or links. The intermediary server **252** can support connections to various different servers, such as servers found on private networks. One example of a private network is a corporate network.

[0025] Tock and does not teach or suggest “the user is associated with a particular domain which requires a monitored connection between the user and the public IM service, wherein an IM gateway server provides the monitored connection” as recited in amended claim 1. Gazzetta was not relied upon for its teachings of these features. Applicant submits that Gazzetta does not teach or suggest “the user is associated with a particular domain which requires a monitored connection between the user and the public IM service, wherein an IM gateway server provides the monitored connection” as recited in amended claim 1.

[0026] Consequently, the combination of Tock and Gazzetta does not teach or suggest all of the elements and features of this amended claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-8

[0027] These claims ultimately depend upon amended independent claim 1. As discussed above, amended claim 1 is in condition for allowance. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 9

[0028] Applicant submits that the combination of Tock and Gazzetta does not teach or suggest at least the following features as recited in this amended claim (in part, with emphasis added):

the public IM service accessing domain-specific policy data associated with the domain, wherein **the domain-specific policy data indicates which user requests are permitted to connect to the public IM service and which user requests are permitted to represent an enterprise associated with the domain**

[0029] The Examiner indicates (Action, p. 9) the following with regard to this claim:

the public service accessing domain-specific policy data associated with the domain (Fig. 5 and [0064], requests must be approved based on established access privileges);

[0030] Paragraph 64, which is provided hereafter for convenience, states:

FIG. 5 is a flow diagram of access privilege processing **500** according to one embodiment of the invention. The access privilege processing **500** is, for example, processing performed by the decision **320** of **FIG. 3**. Namely, the access privilege processing **500** determines whether the access type being requested is

permitted by a particular requester. In effect, the access type provides various criteria that can be used to limit access by requesters. With respect to the embodiment shown in **FIG. 5**, the criteria includes source Internet Protocol (IP) address, time-of-day, and operations. The network browser **254** and the mail client **256** are client applications that operate or run on client machines. Typically, a user or requester will interact with these one or more client programs to request resources located on the remote servers. The network browser **254** and the mail client **256** couple to an intermediary server **252** over secure links or connections. The intermediary server **252** also couples to the remote servers through either secure or unsecure connections or links. The intermediary server **252** can support connections to various different servers, such as servers found on private networks. One example of a private network is a corporate network.

[0031] Tock and Gazzetta does not teach or suggest “wherein the domain-specific policy data indicates which user requests are permitted to connect to the public IM service and which user requests are permitted to represent an enterprise associated with the domain” as recited in amended claim 9. Gazzetta was not relied upon for its teachings of these features. Applicant submits that Gazzetta does not teach or suggest “wherein the domain-specific policy data indicates which user requests are permitted to connect to the public IM service and which user requests are permitted to represent an enterprise associated with the domain” as recited in amended claim 9.

[0032] Consequently, the combination of Tock and Gazzetta does not teach or suggest all of the elements and features of this amended claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claim 10

[0033] This claim ultimately depends upon amended independent claim 9. As discussed above, amended claim 9 is in condition for allowance. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

Based upon Gazzetta and Tock

[0034] The Examiner rejects claims 15, 17-26 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Gazzetta and Tock. Applicant respectfully submits the amended claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 15

[0035] Applicant submits that the combination of Gazzetta and Tock does not teach or suggest at least the following features as recited in this amended claim (in part, with emphasis added):

**issuing an authentication challenge to authenticate
the instant message client application** from which the
connection request is submitted

[0036] The Examiner has not considered the clarifying feature added to claim 15. Applicant respectfully asserts that Gazzetta and Tock, alone or in combination, do not teach or suggest "issuing an authentication challenge to authenticate the instant message client application from which the connection

request is submitted” as recited in amended claim 15. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 17-26

[0037] These claims ultimately depend upon amended independent claim 15. As discussed above, amended claim 15 is in condition for allowance. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 30

[0038] Applicant submits that the combination of Gazzetta and Tock does not teach or suggest at least the following features as recited in this amended claim (in part, with emphasis added):

determine whether domain-specific policy data is associated with the domain, wherein the domain-specific policy data **indicates which user requests are permitted to connect to the public IM service and which user requests are permitted to represent an enterprise associated with the domain**

in an event that the user is associated with a domain for which connection requests are to be redirected **and the domain-specific policy data permits the connection request of the user**, redirect the connection request to an instant message gateway server associated with the domain

[0039] The Examiner has not considered the clarifying features added to claim 30. Applicant respectfully asserts that Gazzetta and Tock, alone or in combination, do not teach or suggest “determine whether domain-specific policy data is associated with the domain, wherein the domain-specific policy data

indicates which user requests are permitted to connect to the public IM service and which user requests are permitted to represent an enterprise associated with the domain” and “in an event that the user is associated with a domain for which connection requests are to be redirected and the domain-specific policy data permits the connection request of the user, redirect the connection request to an instant message gateway server associated with the domain” as recited in amended claim 30. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Based upon Gazzetta and Tock and Known in the Art

[0040] The Examiner rejects claims 13-14, 27-29 and 32-33 under 35 U.S.C. § 103(a) as being unpatentable over Gazzetta and Tock and what was well known in the art at the time of the invention. Applicant respectfully submits the amended claims and asks the Examiner to withdraw the rejection of these claims. Without addressing the propriety of the rejection based on “what was known in the art at the time of the invention”, Applicant asserts that these claims each depend from an independent claim which is in condition for allowance. By virtue of their dependency claims 13-14, 27-29 and 32-33 are also in condition for allowance because the features of each of amended claims 1, 9, 15, 27 and 30 were not well known in the art at the time of invention. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

Dependent Claims

[0041] If not individually addressed above, in addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0042] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

_____/Jacob S. Scott/_____
Dated: 2009-06-22
Jacob S. Scott (Jake@leehayes.com; (509) 944-4728)
Registration No. 62,806
John Meline (Johnm@leehayes.com; (509) 944-4757)
Registration No. 58,280

Customer No. **22801**
Facsimile: (509) 323-8979
www.leehayes.com